

HOUSE CS FOR CS FOR SENATE BILL NO. 65(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/18/21

Referred: Today's Calendar

Sponsor(s): SENATORS KIEHL, Begich

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the elements of a claim for medical malpractice; and relating to the**
2 **definition of a health care provider-patient relationship."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 09.55.540(a) is amended to read:

5 (a) In a malpractice action based on the negligence or wilful misconduct of a
6 health care provider, the plaintiff has the burden of proving by a preponderance of the
7 evidence

8 (1) **that the plaintiff had a health care provider-patient**
9 **relationship with the defendant at the time of the act complained of;**

10 **(2)** the degree of knowledge or skill possessed or the degree of care
11 ordinarily exercised under the circumstances, at the time of the act complained of, by
12 health care providers in the field or specialty in which the defendant is practicing;

13 **(3)** [(2)] that the defendant either lacked this degree of knowledge or
14 skill or failed to exercise this degree of care; and

1 **(4)** [(3)] that as a proximate result of this lack of knowledge or skill or
2 the failure to exercise this degree of care the plaintiff suffered injuries that would not
3 otherwise have been incurred.

4 * **Sec. 2.** AS 09.55.540 is amended by adding a new subsection to read:

5 (c) In this section, "health care provider-patient relationship" means a
6 relationship between a health care provider and a patient formed for the purpose of the
7 health care provider providing examination, diagnosis, or treatment to the patient.

8 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY. This Act applies to causes of action brought under AS 09.55.530 -
11 09.55.560 that accrue on or after the effective date of this Act.